

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THOMAS J. MAAG)	CASE NO: 3:06-cv-02629
)	
Petitioner,)	
)	JUDGE PATRICIA A. GAUGHAN
v.)	
)	MAGISTRATE JUDGE
KHELLEH KONTEH, Warden,)	NANCY A. VECCHIARELLI
)	
Defendant.)	<u>ORDER</u>
)	

On July 20, 2007, Petitioner, Thomas Maag (“Maag”), filed a motion to expand the record. (Doc. No. 10.) Maag asserts that Respondent failed to submit or fully submit two documents as part of the record: (1) “the full and complete indictment contained within Respondent’s Exhibit Three” and (2) “the complete letter written by Mr. Shetzer.” (*Id.* at 5.) Petitioner’s motion (Doc. No. 10) is **GRANTED IN PART** and **DENIED IN PART**.

Maag asserts that the copy of the indictment, attached to the Return of Writ as Exhibit 3 (Doc. No. 7, Ex. 3), is missing Count 3 entirely and provides Count 4 only in part. The Court has examined Exhibit 3 and the four-page document appears to be a fully intact copy of the indictment. Counts 3 and 4 are set forth clearly on the second and third pages. (Doc. No. 7, Ex. 3 at 2-3.) Therefore, to the extent that Maag seeks an order requiring Respondent to file “the full and complete indictment,” the motion is denied.

To the extent that Maag seeks an order requiring Respondent to file the letter written by Mr. Shetzer, the motion is granted. As the letter does not appear to have been filed, Respondent

is ordered to immediately file the letter.

IT IS SO ORDERED.

s/ Nancy A. Vecchiarelli
NANCY A. VECCHIARELLI
U.S. MAGISTRATE JUDGE

DATE: July 24, 2007